

APPENDIX C: STATE AGENCY MANDATES AND RESPONSIBILITIES IN THE MARINE ENVIRONMENT

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RESOURCES AGENCY OF CALIFORNIA	C-3
- California Coastal Commission	C-3
- Department of Boating and Waterways	C-4
- Department of Conservation	C-5
- Department of Fish and Game	C-5
- Office of Oil Spill Prevention and Response	C-6
- Department of Forestry and Fire Protection	C-7
- Department of Parks and Recreation	C-7
- Department of Water Resources	C-7
- Energy Resources, Conservation and Development Commission	C-8
- San Francisco Bay Conservation and Development Commission	C-9
- State Coastal Conservancy	C-9
- State Lands Commission	C-10
 CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY	 C-12
- Office of Environmental Health Hazard Assessment	C-12
- State Water Resources Control Board	C-12
 CALIFORNIA HEALTH AND WELFARE AGENCY	 C-14
- Department of Health Services	C-14

RESOURCES AGENCY OF CALIFORNIA

Created in 1961 in a reorganization of California State governments, the Resources Agency (Agency) is one of the so-called "super agencies." The Agency oversees and coordinates the activities and administration of 17 departments, commissions, conservancies and boards, with responsibility for State programs relating to the preservation, management and enhancement of California's natural and cultural resources, including land, wildlife, water, timber, and minerals. The administrative head of the Agency, the Secretary of Resources, serves as a member of the Governor's cabinet. He is also the Governor's representative on the Agency's boards and commissions, coordinates State and federal resource management, and supervises departmental fiscal affairs.

Ocean-Related Responsibilities. Ocean resource management in California largely falls under the authority of two executive branch agencies, the Resources Agency and the California Environmental Protection Agency (Cal EPA). While the authority to manage the majority of ocean management issues rests with the California Resources Agency, Cal EPA oversees development of ocean water quality standards and regulation of waste discharges to the marine environment.

Pursuant to Assembly Bill 205 (1991), all nonstatutory marine and coastal resource programs were transferred to the Secretary for Resources. The duties transferred include all executive branch delegations regarding review and coordination of federal Outer Continental Shelf (OCS) oil and gas lease sales and development projects, policy coordination of resources and uses in the Exclusive Economic Zone (EEZ), State representation on the Coastal States Organization and the Department of the Interior OCS Policy Committee, and participation in other marine and coastal resource issues.

Regarding marine research, the Resources Agency Sea Grant Advisory Panel (RASGAP) participates in a funding and priority-setting process for marine research in the State's colleges and universities. The State provides funds for marine research in a federal matching grant process, which seeks to keep California's quality higher education and research institutions in the lead, both statewide and nationally. The RASGAP process provides a critical link with academe by identifying current State agency management needs that will benefit from marine research.

Eleven departments, commissions and boards under Resources Agency purview, have jurisdiction and carry out important management activities which affect the marine environment.

CALIFORNIA COASTAL COMMISSION

The 1976 Coastal Act (PRC Section 30000 et seq.), enacted by the California State Legislature, established the California Coastal Commission (Coastal Commission) as a permanent State coastal management and regulatory agency. The Coastal Act followed four years of coastal regulation under Proposition 20, the Coastal Initiative, which was enacted by California voters in 1972. The Coastal Commission consists of twelve voting members and three nonvoting members. The Governor, the Senate Rules Committee, and the Speaker of the Assembly each appoint four voting Commissioners (two public members and two elected officials); the Secretary of the Resources Agency, Secretary of the Business and Transportation Agency, and the Chairperson of the State Lands Commission are included as non-voting members.

The Coastal Commission is responsible for administering the California Coastal Act and the federally approved California Coastal Management Program pursuant to the Coastal Zone Management Act (CZMA). Coastal Act policies implemented by the Coastal Commission address issues such as public access and recreation, natural resource protection, agricultural operations, coastal development projects, port activities, and energy production. Jurisdiction is within the 1,100-mile-long coastal zone, which

encompasses 1.5 million acres of land, and extends three nautical miles out to sea and up to five miles inland from the mean high tide line. Furthermore, each local government along the coast (15 counties and 54 cities) is incorporating these policies into its own local coastal program (LCP).

Ocean-Related Responsibilities. The Coastal Commission retains permanent permit jurisdiction for proposed projects within the immediate shoreline (tidelands, submerged lands, and public trust lands) and for those areas that have not yet adopted a certified LCP. In addition, the Coastal Commission is the only State agency with regulatory control over federal activities in the federal Outer Continental Shelf that affect the State's ocean and coastal resources. Such activities include oil and gas development, deep ocean mineral mining, dredge disposal, dumping of military surplus, and offshore toxic chemical incineration. This consistency authority over federal activities, licenses, and permits is derived from the CZMA.

The Coastal Commission is also participating in an effort to reduce the amount of polluted runoff that now reaches California's ocean waters and thus has the potential to adversely impact human health, fish and wildlife, and other aspects of the marine environment. Pursuant to Section 6217 of the CZMA amendments, the Coastal Commission is working with the State Water Resources Control Board, to develop a statewide non-point source pollution control plan in cooperation with the U.S. Environmental Protection Agency, the National Oceanographic and Atmospheric Administration, and local land-users.

Other significant areas of Commission concern include developments within California, sports-- mainly through utilization of the Port Master Plan Process, and development of strategies for protection of wetland resources.

DEPARTMENT OF BOATING AND WATERWAYS

The California Department of Boating and Waterways (DBW) originally began in 1957 as the Division of Small Craft Harbors under the Department of Natural Resources. The DBW's many programs are designed to fulfill the needs of California's boating community, which include:

- providing a program for the safety and education of boaters,
- funding local waterway law enforcement programs,
- providing course development and a complete curriculum for conducting a year-round formal classroom and hands-on training program for boating safety and enforcement personnel,
- providing a program to control the water hyacinth in the Sacramento-San Joaquin Delta and Suisun Marsh,
- assisting local and federal agencies in beach erosion control projects,
- licensing yacht and ship brokers, and
- funding the development of public access boating facility projects.

Ocean-Related Responsibilities. The DBW is not a permitting or regulatory agency and its responsibilities within the ocean and on California's shoreline are indirect in that many activities occur in the salt water environment. For example, the DBW provides grants to cities, counties, districts and other public agencies for the development of boat launching facilities; planning loans and construction loans to cities, counties, and districts for the development of small craft harbors/marinas; and loans to private recreational marinas.

The DBW also provides coastal beach erosion analysis and control programs to minimize the loss of the State's beaches and preserve our coastal resources. The DBW jointly sponsors erosion control projects with local governmental agencies and the federal government which may include sand replenishment, and construction of groins and breakwaters.

DEPARTMENT OF CONSERVATION

The primary responsibilities of the California Department of Conservation (DOC) are to protect, conserve, and ensure informed development of the State's earth resources, and to administer the Beverage Container Recycling and Litter Reduction Act. The DOC has specific responsibility for programs relating to California's petroleum, geothermal, mineral, and soil resources, and administers programs in resource conservation and recycling.

Ocean-Related Responsibilities. The DOC's Division of Oil, Gas, and Geothermal Resources (DOGGR) supervises the drilling, operation, maintenance, and abandonment of oil and gas wells throughout California, both onshore and offshore, as well as the operation, maintenance, and removal or abandonment of tanks and facilities attendant to oil and gas production. Although the DOGGR has this regulatory authority, the decision to issue development permits for the extraction of minerals or oil and gas resources rests with other agencies such as the Coastal Commission and State Lands Commission.

The DOC's Office of Mine Reclamation implements reporting, compliance, and reclamation requirements pursuant to the Surface Mining and Reclamation Act of 1975 (SMARA). The Division of Mines and Geology identifies geologic and seismic hazards, reviews timber harvest plans under contract with the California Department of Forestry and Fire Protection to ensure consistency with the Forest Practices Act, and classifies significant mineral resources pursuant to SMARA. The State Mining and Geology Board provides policy-making guidance concerning mining and reclamation practices.

The Division of Recycling administers the California Beverage Container Recycling and Litter Reduction Act which calls for establishment of a comprehensive and large-scale beverage container recycling program. Recycling assists in reducing the number of these containers on State beaches or being disposed of at sea.

The DOC's Office of Land Conservation also works closely with the USDA Natural Resources Conservation Service (formerly the Soil Conservation Service) and California's 114 Resource Conservation Districts to address watershed, soil erosion, and nonpoint source pollution problems, all of which significantly affect the resources of the coastal and ocean environment.

DEPARTMENT OF FISH AND GAME

The California Department of Fish and Game (DFG) is responsible for protecting, managing, and enhancing fish, wildlife, and native plant resources of California. The DFG's authority regarding California's living marine resources was established in State law by the California Legislature (Fish and Game Code, Public Resources Code), in State regulations by the California Fish and Game Commission (Title 14, California Administrative Code), and through various federal statutes.

Other State agencies must consult with the DFG concerning projects which may affect fish and wildlife resources and their habitat in accordance with State laws such as the California Environmental Quality Act, California Coastal Act, Porter-Cologne Water Quality Control Act, National Environmental Policy Act, Clean Water Act, and Fish and Wildlife Coordination Act. If necessary, the DFG must then provide recommendations to prevent or mitigate adverse impacts upon the fish and wildlife.

Article IV, Section 19 of the State Constitution authorizes the Fish and Game Commission (FGC) to set policies for the DFG. Its five members are appointed by the Governor to six-year terms. The FGC also regulates fishing and hunting under authority granted by the legislature. Along with the FGC, the Wildlife Conservation Board has the authority to investigate and acquire areas such as coastal wetlands, that are most essential and suitable for wildlife propagation and preservation.

Ocean-Related Responsibilities. The DFG must review and comment on environmental assessment documents concerning proposed offshore and near shore projects, investigate and assess the impacts of pollution and toxic spills statewide-- including marine waters, and conduct biological studies on fish and wildlife.

The Legislature has retained the authority for the regulation of most commercial marine fisheries, pursuant to Article 1, Section 201 of the Fish and Game Code, while the FGC sets regulations for most of the State's recreational fisheries. The DFG enforces laws and regulations and participates in the formal consultation for various laws such as the Federal Endangered Species Act, the Clean Water Act, the Marine Mammal Protection Act, and the Magnuson Fishery Conservation and Management Act. Under the Magnuson Act, eight regional fishery management councils manage and regulate U.S. marine fisheries out to 200 miles and further for migratory and salmonid species. California is a voting member on the 13-member Pacific Fisheries Management Council, which develops Fishery Management Plans (FMP's) for regionally important fisheries. The DFG and the FGC conform state regulations to approved federal requirements within State waters.

Office of Oil Spill Prevention and Response

The Office of Oil Spill Prevention and Response (OSPR) was created within the DFG by the Oil Spill Prevention and Response Act of 1990 to be the lead State agency charged with oil spill prevention and response. The OSPR Administrator has substantial authority to direct spill response, cleanup, and natural resource damage assessment activities.

Ocean-Related Responsibilities. Although OSPR is the lead State agency for oil spill prevention and response, this responsibility is shared with 22 agencies represented on the State Interagency Oil Spill Committee (SIOSC). The Administrator chairs SIOSC and the SIOSC Review Subcommittee.

OSPR is involved in a variety of programs to prevent spills in the marine environment. One of the most important prevention programs is the harbor safety committee process established to reduce the risk of marine vessel accidents within or on approach to major harbor facilities. In conjunction with navigation safety, the OSPR is also working with the U.S. Coast Guard regarding the evaluation of vessel traffic routing and other safety measures to reduce pollution incidents off the California coastline. To that end, OSPR is helping to fund and implement a working Vessel Traffic Information Service system for Los Angeles and Long Beach Harbors.

As the lead agency for spill response, OSPR requires spill response contingency plans at all marine facilities and for all vessels carrying petroleum product as cargo. All State contingency plan requirements are consistent with Federal government requirements established pursuant the Federal Oil Pollution Act of 1990. OSPR is conducting a statewide review and evaluation of marine spill response capability which will be based on the protection measures described in the State required contingency plans and Federal area plans. This evaluation will be complete by the end of 1996 and will be conducted again within two years.

OSPR has a scientific program which includes a new state-of-the-art petroleum chemistry laboratory and other services such as environmental sensitivity area mapping, establishing a comprehensive geographical information system, natural resource damage assessment, veterinary expertise, and sponsorship of related research needs. Legislation requires that the Administrator provide facilities for oiled wildlife rescue,

rehabilitation and research. As a first step, OSPR will soon begin construction of a permanent sea otter, marine mammal, and sea bird rehabilitation facility at the University of California Santa Cruz. A statewide network for other facilities also is being planned.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

The California Department of Forestry and Fire Protection (CDF) is responsible for managing fire protection services for wildlands, regulating logging practices, and providing assessments of the State's forest and rangeland resources. Under the Forest Practices Act of 1973, the CDF is required to regulate private and State forest activities in a manner that will result in the maximum sustainable yield of high-quality timber products, while maintaining water quality and fish and wildlife populations.

Ocean Related Responsibilities. Although forestry practices involve predominately land-based activities, the CDF has a role in ocean-related policy due to the potential impact of such practices on watersheds and nearshore waters. The CDF manages numerous upland forests as well as two coastal forests; the Jackson State Demonstration Forest near Fort Bragg, Mendocino County, and the Soquel State Demonstration Forest of Santa Cruz County.

DEPARTMENT OF PARKS AND RECREATION

The California Department of Parks and Recreation (DPR) was created by the California State Legislature in 1928. The mission of the DPR is to provide for health, inspiration, and education of the people of California by helping to preserve the State's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreational experiences. The Public Resources Code directs the DPR to manage the State Park System "as a composite whole in order to restore, protect, and maintain its native environmental complexes." The DPR manages a variety of units along the coast including State reserves, underwater parks, and State beaches. Some coastal units are operated by local governments.

Ocean-Related Responsibilities. The DPR acquires coastal lands for resource preservation purposes and park and recreational uses. General planning activities for coastal units determine through a public land use planning process how resources will be protected and parks developed and utilized. The DPR and the California State Park and Recreation Commission designate resource valuable coastal areas as parks, reserves, or preserves, while permitting more intensified recreation in designated State Beaches. Resource management programs of the DPR address long-term management issues such as monitoring the impacts of over-use, exotic species invasion, overfishing, anchoring, and other near-shore activities.

The DPR manages 11 parks, beaches and reserves with underwater areas, totaling more than 9,957 acres. The DPR manages and provides opportunities for coastal recreation along 264 miles of ocean frontage, or about 24% of the California coastline, serving more than 43 million visitors each year. The DPR also conducts marine research within coastal and underwater areas with assistance from other programs, such as the Sea Grant programs in California.

DEPARTMENT OF WATER RESOURCES

The California Department of Water Resources (DWR), established in 1956, protects, conserves, develops and manages California's water supplies in cooperation with other agencies. Specifically, the Department plans, constructs, operates and maintains, facilities of the State Water Project; evaluates current and projected statewide water needs; protects the public through water quality improvement, flood

control and dam safety programs; and assists local water agencies with funds, expertise, and technical support to improve water supply reliability.

The Department establishes strategies in order to increase the amount of water available for municipal users and for fish and wildlife protection and enhancement. For instance, in cooperation with Federal, State, and local agencies, the Department encourages and finances water conservation, use of recycled water, conjunctive use of surface and ground water, facilitates voluntary water transfers, and when needed, operates a State drought water bank.

Ocean-Related Responsibilities. The water supply activities of the DWR have direct impacts on water quality and quantity in the Bay/Delta Estuary and the nearshore ocean. The DWR conducts and coordinates water conservation, and management programs and operates the State Water Project. Freshwater flowing into the estuary and marine environment affect water quality which in turn affects anadromous and estuarine fish and their food supplies. In addition, the DWR coordinates the San Joaquin Valley Drainage Implementation Program, which is directed at reducing any drainage-related impacts to the river and Bay/Delta.

In the San Francisco Bay, the DWR participates with other agencies in monitoring changes in water quality and fisheries resources of the Bay/Delta system and in the Bay Area/San Joaquin Valley Water reuse study. DWR staff works with other agencies to routinely measure such physical and biological variables as water levels, wind, salinity, and the distribution and abundance of fish. These data are used by management agencies to determine the need for, and compliance with, water quality and operational standards to protect estuarine environment standards.

Additionally the DWR monitors ocean water desalting proposals, works with local agencies to determine the extent of sea water intrusion into coastal aquifers, and conducts monitoring to help determine changes in sea level and quality and quantity of reclaimed water released to the ocean.

ENERGY RESOURCES, CONSERVATION AND DEVELOPMENT COMMISSION

The California Energy Resources, Conservation and Development Commission (CEC; also known as the California Energy Commission) is the State's principal energy planning organization. The CEC was established by the Warren-Alquist State Energy Resources Conservation and Development Act of 1974 to address the energy challenges facing the state. The Governor appoints five members to the CEC, who, upon Senate confirmation, serve five-year terms. The Commission has five major areas of responsibility: forecasting future statewide energy needs, licensing power plants sufficient to meet those needs, promoting energy conservation, developing renewable energy resources and alternative energy generating technologies, and planning for and directing state response to energy emergencies. Pursuant to the Warren-Alquist Act, the CEC forecasts State energy supply and demand trends every two years and reports its findings in the California Energy Plan. In this report, the CEC makes 5, 12, and 20 year projections of State energy needs. The CEC plays a strategic role in developing State energy policy by assessing California's future demand, the ability of the State's energy suppliers to meet that demand, and the potential impact of various technologies and fuel sources.

Ocean-Related Responsibilities. The CEC has a primary role in the siting of coastal or offshore "thermal power plants" in California. Established through provisions in the Warren-Alquist Act, the Coastal Act, and the McAteer-Petris Act, the CEC is the agency which considers applications for certification of new power plants located within California's Coastal Zone. Although the Coastal Commission and San Francisco Bay Conservation and Development Commission maintain key siting roles, the actual certification authorization for coastal power plants rests with the CEC.

Although other CEC functions do not necessarily directly affect coastal and ocean development, the biennial energy forecasts do contribute to the planning process of coastal and ocean development. The CEC's analysis and implementation of alternative energy options and conservation measures has played an important role in California's leadership role in these areas. This leadership has provided important technical information regarding California's analysis of offshore oil and gas leasing and other ocean energy siting alternatives.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

The San Francisco Bay Conservation and Development Commission (BCDC) was established by the Legislature in 1965 (Government Code Section 66600 et seq.) to develop a plan for managing San Francisco Bay, and later became a permanent state planning and regulatory agency for a legislatively designated area within San Francisco Bay. The BCDC is composed of 27 members, most of whom are appointed by local governments, while others are appointed by the Governor, Speaker of the Assembly, Senate Rules Committee, and other federal and State agencies.

Ocean-Related Responsibilities. The BCDC is charged with preserving and enhancing the natural resources of the San Francisco Bay, while at the same time authorizing its development to its maximum potential. The BCDC's responsibilities include regulation of all dredging and fill activities in the Bay, regulation of all activities within the shoreline band (defined as a line parallel to and 100 feet inland from the line of highest tidal action), improving public access to the Bay, and carrying out provisions of the Suisun Marsh Preservation Act. To carry out its activities, the BCDC follows the policies and guidelines contained in the San Francisco Bay Plan (Bay Plan). The BCDC is also the federally-designated agency responsible for implementing the coastal management program for the San Francisco Bay segment of the coastal zone.

California's McAteer-Petris Act establishes BCDC's powers and responsibilities for regulating shoreline development, recognizes the Bay Plan as the development guide for the area, and requires the BCDC to make permit decisions that comply with the Bay Plan. The Bay Plan sets forth policies for shoreline development, public access, dredging and filling and also designates priority use areas to be reserved for water-oriented purposes (wildlife, water-related industry, parks, airports, and seaports). Seaport facilities are derived from the San Francisco Bay Area Seaport Plan, which forecasts growth of marine cargoes and the need for additional port facilities through 2020, and identifies sites where these needs can be met with minimal harm to the Bay's resources.

Pursuant to the federal Coastal Zone Management Act, BCDC must review federal activities (or federally-authorized or funded activities) in the coastal zone for consistency with BCDC's management plan for the Bay. This includes closure and transfer of ownership of military bases on the Bay that are designated as priority use areas in the Bay Plan. In addition, the BCDC is a key participant in the Long Term Management Strategy (to develop a 50-year dredge disposal strategy for the Bay), the San Francisco Bay Estuary Project, and EPA's North Bay Initiative.

STATE COASTAL CONSERVANCY

The California State Coastal Conservancy (Coastal Conservancy) was created by the State Legislature in 1976 (PRC Section 31000 et seq.) to take positive steps to preserve, restore, and enhance California's coastal resources and to develop creative solutions to difficult land use conflicts along the coast. The Coastal Conservancy works with federal, State, and local agencies, landowners, business and industry, non-profit organizations and others on a wide variety of projects to construct and open new access ways to beaches, to purchase, protect, restore, and enhance wetlands and other habitat areas to support commercial fisheries, to purchase and preserve open space and farmlands, and to help cities to restore their waterfronts

along the coast and on San Francisco Bay. Many of the Coastal Conservancy's projects involve several partners and multiple purposes.

Founded as a sister agency to the California Coastal Commission and BCDC, the Coastal Conservancy is a separate and distinct agency, with a unique role. The Coastal Commission regulates development in the coastal zone, while the Coastal Conservancy uses non-regulatory means to resolve conflicts that occur when demands on coastal resources collide. The Coastal Conservancy also provides financial and technical aid to local governments, nonprofit organizations, and others to carry out local projects with greater than local interest. The Coastal Conservancy's help is often requested when an impasse has occurred: disagreements seem beyond resolution and resources (funds, experience, expertise, imagination) appear to be unavailable. Because of the Coastal Conservancy's broad scope and methods, a way out of the deadlock can often be found through its skills of mediation, facilitation and partnership building.

The Coastal Conservancy has a seven member board of directors, including the Secretary of the Resources Agency, the Chairperson of the Coastal Commission, the Director of Finance, and four public members of whom two are appointed by the Governor and one each by the Senate and Assembly. The agency is funded primarily by general obligation bonds, and by yearly allocations from the Habitat Conservation Fund.

Ocean-Related Responsibilities. Ocean related activities administered by the Coastal Conservancy include projects to improve and expand commercial fishing resources and facilities, enhance wetlands and coastal agriculture, restore urban waterfronts and provide better public access to the coast and on San Francisco Bay. The Coastal Conservancy helps communities, citizens groups, farmers, landowners, and industry prepare and implement watershed management plans for major coastal river systems and coastal streams. Watershed management plans help to protect coastal and marine ecosystems, and the natural resources that support agriculture and other economic activities. Through the Conservancy's wetland and watershed projects, habitat for species of fish as well as other marine life have been improved.

STATE LANDS COMMISSION

The California State Lands Commission (SLC) has jurisdiction over all of California's tide and submerged lands, and the beds of naturally navigable rivers and lakes each of which are sovereign lands, swamp, and overflow lands, and school lands (proprietary lands). The SLC consists of three members: the Lieutenant Governor, State Controller, and Director of Finance. The Chairman of the SLC is an ex-officio, non-voting member of the California Coastal Commission and the Executive Officer of the SLC is a voting member of the San Francisco Bay Conservation and Development Commission.

Authority for the SLC originates and is exercised from the State's position as landowner. The SLC has statutory authority to approve appropriated uses of State lands under its jurisdiction and administers the Public Trust Doctrine over sovereign lands. The SLC maintains title records of all State sovereign lands, as well as settling issues of title jurisdiction.

Ocean-Related Responsibilities. Management responsibilities of the SLC extend to activities within submerged lands and those within three nautical miles of shore. Pursuant to SLC administrative actions and recent legislative leasing restrictions, the SLC currently has no program for offshore oil and gas leasing in State tidelands. However, the SLC carefully monitors existing offshore oil and gas activities to ensure revenue accountability, efficient resource recovery, and protection of the environment. The SLC also provides technical assistance to the California Coastal Commission on federal consistency reviews for projects on the Outer Continental Shelf, leases State Tidelands, administers lease agreements for oil and gas production activities on land, and, in the case of a production facility located in federal waters, would issue a right-of-way lease for any portion of the pipeline which crosses State Tidelands.

Additionally, the SLC has an active program to prevent oil spills from marine oil facilities. Under The Oil Spill Prevention and Response Act of 1990, the SLC is responsible for ensuring that all marine terminals and other oil and gas facilities within their jurisdiction use the best achievable methods to prevent accidents and resulting oil spills. The SLC reviews and approves all marine oil terminal operation manuals.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Created in a 1991 reorganization of State government, the California Environmental Protection Agency (Cal EPA) is one of the so-called "super agencies" which unifies the State's environmental protection authority under a single cabinet-level agency. The administrative head of the Cal EPA, the Secretary for Environmental Protection, provides direction and coordination of many of the State's environmental protection programs. The Cal EPA coordinates the activities and policy direction for the Department of Pesticide Regulation, the Department of Toxic Substances Control, and the Office of Environmental Health Hazard Assessment, as well as for various State boards: the Air Resources Board, Integrated Waste Management Board, State Water Resources Control Board and nine Regional Water Quality Control Boards.

Ocean-Related Responsibilities. Ocean resource management in California comes under the authority of two executive branch agencies: the Resources Agency, and the California Environmental Protection Agency. While the authority to manage the majority of ocean management issues rests with the California Resources Agency, the Cal EPA oversees development of ocean water quality standards and regulation of waste discharges to the marine environment.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

The Office of Environmental Health Hazard Assessment (OEHHA) evaluates the potential human health impacts of chemical contaminants in environmental media, including seafood. Data for evaluation generally are provided by other government agencies. Health evaluations usually involve a risk assessment of the carcinogenic, reproductive, or other toxic potential of a contaminant.

Ocean-Related Responsibilities. Based on the health evaluations, OEHHA issues advisories regarding consumption of contaminated sport fish, and/or makes recommendations to the Department of Fish and Game regarding restriction of commercial fishing based on potential risks to human health. The office provides educational materials and publications to the public, such as sport fish catch and consumption guidance. OEHHA also works with other state agencies in evaluating contaminants in the environment which may lead to contamination of seafood. Sediments are frequently a source of toxics in the aquatic food web. A related activity is working with the State Water Resources Control Board to establish criteria levels for selected toxics in sediments.

OEHHA's authorities to conduct the specific activities related to risk come from two general sections of the Health and Safety Code (Sections 205 and 207) and two specific sections of the Fish and Game Code. Fish and Game Code Section 217.6 states that any advisories formally issued by OEHHA shall be printed in the California Sport Fishing Regulations booklet. Section 7715 allows Fish and Game to close any waters or otherwise restrict the taking under a commercial fishing license any species of fish that OEHHA determines is likely to pose a human health risk. (Section 59004 of the Health and safety Code specifically mentions these two Fish and Game Code sections as now being the responsibility of OEHHA.)

STATE WATER RESOURCES CONTROL BOARD

The State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCBs) establish California's water quality standards pursuant to the requirements of the State's Porter-Cologne Water Quality Control Act and the federal Clean Water Act. The SWRCB is composed of five members appointed by the Governor; each RWQCB has nine gubernatorial appointees. The SWRCB's two major responsibilities are to protect water quality and to administer water rights.

While the SWRCB identifies beneficial uses and water quality objectives on a statewide basis, regional-specific aspects of regulating surface, ground, and coastal waters are performed by the RWQCBs. Each RWQCB has developed one or more regional water quality control plans (basin plans) for pollution control. Basin plans identify the beneficial uses to be protected for each region's waters, set basin-specific water quality objectives, and provide an implementation plan to achieve the objectives.

Ocean-Related Responsibilities. The SWRCB has developed a series of statewide water quality control plans to set water quality standards for California. These include the Enclosed Bays and Estuaries Plan, the Thermal Water Quality Control Plan, and the California Ocean Plan (Ocean Plan). The Ocean Plan was originally adopted in 1972 and undergoes a triennial review and amendment process. The Ocean Plan presents water quality objectives and establishes the basis for the regulation of waste discharges under the National Pollution Discharge Elimination System (NPDES) program and permitting process. The SWRCB is responsible for adopting the Ocean Plan and the RWQCBs are responsible for interpretation and implementation of the Plan through issuance of NPDES permits and follow up enforcement activity.

The Ocean Plan identifies beneficial uses of marine waters which can be maintained through water quality control and establishes a set of narrative and numerical water quality objectives to protect these uses. Examples of such uses include marine life habitat, fish migration, fish spawning, shellfish harvesting, rare and endangered species habitat, recreation, industrial water supply, commercial and sport fishing, mariculture, aesthetics and navigation. The SWRCB has designated Areas of Special Biological Significance which limit human impacts and prohibit waste discharges to designated areas.

Pursuant to Section 6217 of the 1990 Coastal Zone Management Act amendments, the SWRCB, along with the California Coastal Commission, is currently participating in the development of a statewide nonpoint source pollution control plan in cooperation with the US Environmental Protection Agency, the National Oceanographic and Atmospheric Administration, and local land-users. This effort is intended to reduce the amount of polluted runoff that now reaches California's ocean waters and potentially impacting human health, fish, wildlife, and other aspects of the ocean and coastal environment.

CALIFORNIA HEALTH AND WELFARE AGENCY

The California Health and Welfare Agency (HWA) is a cabinet level agency that administers State and federal programs for health care, social services, public assistance and job training. The HWA serves a critical role for the Governor, Legislature, and public by providing uniform management and direction in all areas of health and social services. Agencies under HWA purview include the Department of Health Services, the Department of Alcohol and Drug Programs, the Department of Social Services, and the Department of Rehabilitation.

Ocean-Related Responsibilities. The majority of the activities of this agency do not address ocean issues; however, the Department of Health Services plays a critical role in protecting the health of the public as it relates to the safety of marine waters and seafood consumption.

CALIFORNIA DEPARTMENT OF HEALTH SERVICES

The California Department of Health Services (DHS) is one of several agencies whose activities and policies are coordinated by the HWA. The primary responsibility of the DHS is protection of public health.

Ocean-Related Responsibilities. One of the DHS's responsibilities is to monitor and certify shellfish growing operations in marine waters (Health and Safety Code Section 28500 et.seq.). To ensure the safety of the seafood product, the DHS conducts investigations of shellfish waters and watershed areas, recommends waste discharge requirements to protect shellfish waters, and places restrictions on harvesting operations. The DHS also directs a program to prevent paralytic shellfish poisoning (PSP) caused by an extremely rapid growth of certain toxins in marine water which then accumulates in filter feeding shellfish (mussels, clams, and oysters) and causes human illness or death. The PSP prevention program includes public information, an annual mussel quarantine, and a coastal shellfish monitoring program.

The DHS must also establish standards for ocean recreational waters used for sports such as swimming, wading, and surfing (Health and Safety Code Sections 24155-24159). In addition, the DHS establishes standards for discharges into the ocean for waters used for water contact recreation and/or shellfish cultivation and harvesting.

The DHS is participating in an on-going study on radioactivity and its affects on resident marine fish populations in the Gulf of the Farrallones, with a consortium of State, federal and local agencies (Health and Safety Code Section 25612).